

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ELIAS A. WORKNEH,

Plaintiff,

– against –

SUPER SHUTTLE INTERNATIONAL, INC.,  
et al.,

Defendants.

**ORDER**

15 Civ. 3521 (ER) (RWL)

RAMOS, D.J.:

On April 24, 2015, Elias A. Workneh, proceeding *pro se*, brought this action against Super Shuttle International, Veolia Transportation, Inc., New York City Airporter, and Golden Touch Transportation (collectively, “Defendants”) for workplace discrimination. Doc 2. Workneh filed his first amended complaint on December 11, 2015, his second amended complaint on November 4, 2016, and his third amended complaint (“TAC”) on May 31, 2017. Docs. 28, 74, 92.

Pending before this Court is Defendants’ motion to dismiss the TAC for failure to comply with Court orders, filed on January 17, 2020. Doc. 241. Magistrate Judge Robert W. Lehrburger issued a Report and Recommendation (“R&R”) recommending that Defendants’ motion be granted in its entirety and that the TAC be dismissed with prejudice. Doc. 254. The R&R notified the parties that they had fourteen days to file objections and that failure to do so “will result in a waiver of objections and will preclude appellate review.” *Id.* at 24. Over fourteen days have passed and no party has objected to the R&R.

## **I. Standard**

A district court reviewing a magistrate judge's report and recommendation "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). Parties may raise specific written objections to the report and recommendation "[w]ithin fourteen days after being served with a copy." *Id.*; *see also* Fed. R. Civ. P. 72(b)(2). "3 days are added" to that period when "service is made under Rule 5(b)(2)(C) (mail), (D) (leaving with the clerk), or (F) (other means consented to)." Fed. R. Civ. P. 6(d). A district court reviews *de novo* those portions of the report and recommendation to which timely and specific objections are made. 28 U.S.C. § 636(b)(1)(C). The district court may adopt those parts of the report and recommendation to which no party has timely objected, provided no clear error is apparent from the face of the record. *Lewis v. Zon*, 573 F. Supp. 2d 804, 811 (S.D.N.Y. 2008).

## **II. Discussion**

The Court has reviewed Magistrate Judge Lehrburger's R&R and finds no clear error. Therefore, the Court adopts Magistrate Judge Lehrburger's recommendations in their entirety. Defendants' motion is GRANTED, the TAC is dismissed with prejudice. The Clerk of Court is respectfully directed to terminate the motion, Doc. 241, and to close the case.

It is SO ORDERED.

Dated: June 26, 2020  
New York, New York



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EDGARDO RAMOS, U.S.D.J.